Simon v. Adzilla, Inc [New Media] et al

EXHIBIT VII

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Scott R. Mosko (State Bar No. 106070)
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Endorsed

FILED

DEC - 5 2005

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY B. Laurenke DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THE FACEBOOK, INC.

Plaintiff,

v.

CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25,

Defendants.

CASE NO. 105 CV 047381

DECLARATION OF SCOTT MOSKO IN SUPPORT OF DEFENDANTS' CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, AND DIVYA NARENDRA'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL LIMITED DEPOSITIONS ON THE SUBJECT OF PERSONAL JURISDICTION AND MOTION FOR PROTECTIVE ORDER

Date: December 8, 2005
Time: 3:00 p.m.
Dept. 14
Judge: Honorable Derek Woodhouse

I, Scott R. Mosko, declare as follows:

1. I am an attorney admitted to practice in the State of California and the United States District Court for the Northern District of California, and a member of the Finnegan, Henderson, Farabow, Garrett & Dunner, LLP firm, attorneys of record for Defendants ConnectU LLC, Cameron Winklevoss, Tyler Winklevoss, Howard Winklevoss, and Divya Narendra in the above-identified matter. The matters referred to in this declaration are based on my personal knowledge and if called as a witness I could, and would, testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of Defendant ConnectU LLC's Demurrer filed October 25, 2005.

3. Attached hereto as Exhibit B is a true and correct copy of Defendants' Motion to Quash Service of Complaint and Summons for Lack of personal Jurisdiction filed October 25, 2005.

4. Attached hereto as Exhibit C is a true and correct copy of Defendant Cameron Winklevoss's Declaration in Support of Motion to Quash Service of Complaint and Summons for Lack of Personal Jurisdiction; Defendant Tyler Winkelvoss's Declaration in Support of Motion to Quash Service of Complaint and Summons for Lack of Personal Jurisdiction; Defendant Howard Winkelvoss's Declaration in Support of Motion to Quash Service of Complaint and Summons for Lack of Personal Jurisdiction; Defendant Divya Narendra's Declaration in Support of Motion to Quash Service of Complaint and Summons for Lack of Personal Jurisdiction.

5. ConnectU has sued FaceBook and its owners in the district court in Massachusetts. In the course of the Massachusetts case, FaceBook has propounded document requests to which ConnectU has responded. To date, ConnectU has produced over 11,000 pages of documents and numerous CD ROMs containing Harvard Connection and Connectu source code. In the current California litigation, to date the Defendants collectively have responded to:

a. 345 interrogatories (the first set comprising 230 separate interrogatories, the second set comprising 115)

b. 120 Requests for Production

c. 125 Requests for Admission

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6. The documents already produced by Defendants and documents that will shortly be produced will reveal most if not all of the email addresses Plaintiff accuses Defendants of misappropriating, to the extent defendants understand Plaintiff's allegations.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the 5 day of December, 2005 at Palo Alto, California.

Scott R Mosko

Scott Mosko